

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

MARTIN WHEELER,	:	
	:	
Petitioner,	:	Case No. 1:13-CV-197 (WLS)
	:	
v.	:	
	:	
Warden BRAD HOOKS,	:	
	:	
Respondent.	:	

ORDER

On June 17, 2014, the Court entered an Order granting Respondent’s Motion to Dismiss (Doc. 12) and dismissing Petitioner’s mixed Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) without prejudice to Petitioner’s right to refile once he has exhausted state-court remedies. (Doc. 15.) Judgment in favor of Respondent was entered the same day. (Doc. 16.) The Court received Petitioner’s response to Judge Langstaff’s Recommendation on June 18, 2014. (Doc. 17.) Therein, Petitioner “requests a . . . stay or a DISMISSAL without prejudice . . . to exercise his right to refile upon the completion within the state court system.” (*Id.* at 4.) Because this Court has already ordered that Petitioner’s Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 be dismissed without prejudice to his right to refile, for the reasons cited in Judge Langstaff’s Recommendation, which the Court incorporates herein, the Court concludes that no further action is needed. Accordingly, the Court’s Order granting Respondent’s Motion to Dismiss (Doc. 12) and dismissing Petitioner’s mixed Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) without prejudice to Petitioner’s right to refile once he has exhausted state-court remedies (Doc. 15.) still stands. Accordingly, Petitioner’s request for a stay is **DENIED AS MOOT**.

SO ORDERED, this 25th day of June 2014.

/s/ W. Louis Sands
W. LOUIS SANDS, JUDGE
UNITED STATES DISTRICT COURT